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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,207	01/16/2007	Vladimir Krapka	1033590-000002	9232

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

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10/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,207	Applicant(s) KRAPKA, VLADIMIR	
	Examiner JAMES R. BRITAIN	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petzl (US 5432984) in view of Anderson (US 5438734).

Petzl (figures 1, 2) teaches buckle structure for safety straps comprising an upper frame 14 and a lower frame 12 of different sizes with each having a first long side for being connected to a fixed strap loop 29 and a second long side for being connected to a second strap 16. The difference is that a lateral side of the upper frame lacks a gap for passage of a strap. However, Anderson (figures 1, 2) teaches providing gaps 26 in the lateral sides of the buckle for ease of release so that unthreading a strap is not needed (col. 1, line 58 - col. 2, line 12), a distinct advantage. Therefore, it would have been obvious to modify the buckle of Petzel so that a lateral side of the upper frame has a gap in view of Anderson teaching it to be desirable to do so. As to claim 5, Anderson teaches that it is desirable to provide the upper frame with a middle transversal part 16 so as to aid in maintaining the first strap.

Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petzl (US 5432984) in view of Anderson (US 5438734) as applied to claim 1 above, and further in view of Reiter (US 1997653).

Further modification of the buckle of Petzl so that the lower frame is bent at a sharp angle away from the plane of the upper frame would have been obvious in view of Reiter (figure 2) providing a portion 23 of the lower frame at a sharp angle away from the plane of the upper frame so as to aid in gripping the second strap so as to meet claims 2 and 3. In regard to claim 6, it would have been obvious to use a sleeve to secure the frames of the device of Petzl in view of Reiter suggesting the use of integral sleeve 16 to secure the frames together.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petzl (US 5432984) in view of Anderson (US 5438734) as applied to claim 1 above, and further in view of Banks (US 4670945).

Further modification of the buckle of Petzl such that the width of the upper frame is wider than the width of the lower frame would have been obvious in view of Banks (figures 1-5) teaching such a relationship to be desirable for ease of lifting the upper frame.

Response to Arguments

Applicant's arguments filed June 16, 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that Anderson is not suitable or even usable for a buckle of a safety strap such as one used at great heights, it is obvious that safety straps don't have to be used at great heights or to hold strong forces. There are no objective criteria claimed to require use in any particularly stressful environment. While applicant points out that the device of Anderson has a gap, there is no particular

argument beyond the nebulous safety strap argument indicating why the provision of a gap as indicated above to provide easier assembly of the strap wouldn't have been an obvious modification of the device of Petzl. Applicant hasn't established a basis that the belt and fastener of Anderson can't be used as a safety strap beyond the allegation of such.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. BRITAIN whose telephone number is (571)272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Brittain/
Primary Examiner, Art Unit 3677

JRB